



Patent Application  
Docket No. 031676.000331

# 3 DAC  
EJH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Roger S. CUBICCIOTTI ) Group Art Unit: 1645  
  
)  
Application Number: 10/020,151 ) Examiner: To Be Assigned  
)  
Filed: December 18, 2001 )  
)  
For: MODIFIED PHYCOBILISOMES AND USES THEREFORE

**PETITION UNDER 37 CFR 1.182 AND  
REQUEST FOR JOINING OF APPLICATIONS**

**RECEIVED**

APR 17 2002

OFFICE OF PETITIONS

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant respectfully request that Application Serial No. 10/020,151 and Application Serial No. 10/109,040 be joined as one Application retaining the original Serial No. 10/020,151, and that Applicant be granted the filing date of December 18, 2001, the date on which this application was originally filed, as evidenced by a copy of our post card receipt date-stamped by the USPTO mailroom, enclosed herewith.

Applicant originally filed an Application on December 18, 2001, as a Division of Application No. 08/928,507, filed September 12, 1977, along with; a copy of the executed Declaration filed in the parent Application, a Preliminary Amendment; and authorization to charge \$1,076.00 to Deposit Account No. 50-1640.

In a review of the USPTO PAIR system on or about March 28, 2002, we were unable to identify any U.S. Patent and Trademark Office record of the Application which was filed on December 18, 2001.

Applicant therefore submitted, on March 29, 2002, a copy of the Divisional Application Transmittal Letter and Utility Application including seventy-seven (77) pages of specification

including claims and Abstract with a paper entitled "Resubmission of Utility Application and Request for Filing Date."

Applicant received the Official Filing Receipt from the U.S. Patent and Trademark Office dated April 1, 2002 noting that the application was granted the filing date of December 18, 2001, and was assigned Application No. 10/020,151. Applicant also received the Notice to File Missing Parts of Application, which was also mailed by the PTO on April 1, 2002.

On April 8, 2002, Applicant received a post card receipt date-stamped by the USPTO mailroom with a new Application No. 10/109,040, as a result of Applicant's resubmission of Utility Application and Request for Filing Date filed on March 29, 2002.

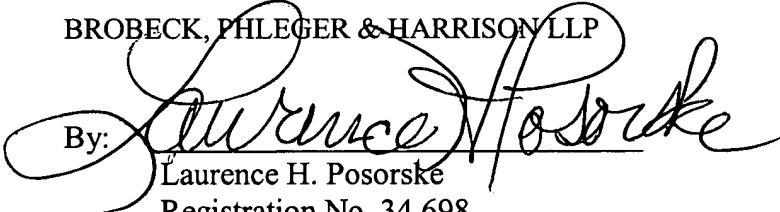
Applicant submits that this Resubmission of Application on March 29, 2002, was not intended as or indicated to be a new application, and therefore should have not been given a new filing date and serial number. Applicant therefore, respectfully request that the two Applications be joined as one.

No fee is believed to be required upon submission of this Petition. However, if a fee is due, please charge the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

By:

  
Laurence H. Posorske  
Registration No. 34,698

April 15, 2002

Brobeck, Phleger & Harrison LLP  
Intellectual Property Department  
1333 H Street, N.W., Suite 800  
Washington, D.C. 20005  
Tel: (202) 220-6000  
Fax: (202) 220-5200  
LHP:cdh

RECEIVED

APR 17 2002

OFFICE OF PETITIONS

10/109040 PT  
03/29/02

# DOCKETED

#5  
RECEIVED

JUN 13 2002

## SOLE DECLARATION FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

TECH CENTER 1600/2900

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MODIFIED PHYCOBILISOMES AND USES THEREFORE**, the specification of which

☐ is attached hereto.

☐ was filed on September 12, 1997 as Application Serial Number 08/928,507 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to in this declaration.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application, as defined in 37 C.F.R. §1.56.

## Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. 119
				Yes <input type="checkbox"/> No <input type="checkbox"/>
				Yes <input type="checkbox"/> No <input type="checkbox"/>
				Yes <input type="checkbox"/> No <input type="checkbox"/>

## Prior United States Application(s)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
08/420,726	April 10, 1995	Patented
08/600,359	February 13, 1996	Abandoned

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Scott F. Partridge, Registration No. 28,142; Rodger L. Tate, Registration No. 27,399; Jerry W. Mills, Registration No. 23,005; James B. Arpin, Registration No. 33,470; James Remenick, Registration No. 36,902; Christopher C. Campbell, Registration No. 37,291; Jay B. Johnson, Registration No. 38,193; Laurence H. Posorske, Registration No. 34,698; Steven P. Klocinski, Registration No. 39,251; and Eric Sinn, Registration No. 40,177; Floyd B. Chapman, Registration No. 40,555.

RECEIVED

JUN 14 2002

OFFICE OF PETITIONS

All correspondence and telephone communications should be addressed to Baker & Botts, L.L.P., The Warner, 1299 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2400, telephone number (202) 639-7700, which is also the address and telephone number of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

RECEIVED

JUN 13 2002

Signature

Roger Cubicciotti

TECH CENTER 1600/2900 JUN 24, 1998

Full Name of  
Sole Inventor

Cubicciotti

Roger

S.

Family Name

First Given Name

Second Given Name

Residence

258 Midland Avenue, Montclair, New Jersey 07042

Citizenship

United States of America

Post Office  
Address

Same as Above

Baker & Botts, L.L.P.  
The Warner  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 639-7700